

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES A. NICHOLS, II,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 05-CV-497-JHP-PJC
	)	
JOHN GRUBBS, Warden,	)	
	)	
Respondent.	)	

**ORDER**

On August 31, 2005, the Court received for filing Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. # 1).

In order to commence a habeas corpus action in this Court, Petitioner is required to submit a \$5.00 filing fee. 28 U.S.C. § 1914. Should Petitioner lack sufficient funds to pay the filing fee, he may file a motion for leave to proceed *in forma pauperis*, supported by a "Statement of Institutional Accounts" completed and signed by an authorized prison official. In the instant case, Petitioner has neither paid the \$5.00 filing fee nor submitted a motion for leave to proceed *in forma pauperis*. Before this action may proceed, Petitioner must either (a) pay the \$5.00 filing fee or submit a motion for leave to proceed *in forma pauperis*, or (b) show cause in writing for his failure to cure the filing fee deficiency.

**ACCORDINGLY IT IS HEREBY ORDERED that:**

1. Within thirty (30) days of the entry of this Order, or by October 7, 2005, Petitioner shall either (a) pay the \$5.00 filing fee or submit a motion for leave to proceed *in forma pauperis*, or (b) show cause in writing for his failure to cure the filing fee deficiency.
2. The Clerk of Court is directed to send Petitioner a blank motion for leave to proceed *in forma pauperis* (ifp-hc.dis), marked Case No. 05-CV-497-JHP-PJC.

**Failure to comply with this Order may result in the dismissal of this action without prejudice and without further notice.**

SO ORDERED THIS 7th day of September 2005.

  
James H. Payne  
United States District Judge  
Northern District of Oklahoma